

REMARKS

Status of the Claims

Claims 1-5, 7 and 10-25 are now present in this application. Claims 1, 10 and 25 are independent.

By this Amendment, claims 1 and 2 are amended and claim 25 is added. No new matter is involved.

Reconsideration of this application, as amended, is respectfully requested.

Priority Under 35 U.S.C. § 119

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority document.

Information Disclosure Citation

Applicants thank the Examiner for considering the references supplied with the Information Disclosure Statement filed September 3, 2009, and for providing Applicants with an initialed copy of the PTO-SB08 form filed therewith.

Drawings

Because no objection has been received, Applicants assume that the drawings are acceptable and that no further action is necessary. Confirmation thereof in the next Office Action is respectfully requested.

Restriction/Election Requirement

Applicants thank the Examiner for withdrawing the restriction requirement and for examining all pending claims on their merits.

Rejection Under 35 U.S.C. § 102

Claims 1, 3, 4, 10 and 11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,342,522 to Mackles. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

Applicants respectfully submit that claim 1 patentably defines over Mackles for a number of reasons. For example, Mackles' lugs 28 are not disclosed as being on the membrane, as claimed, but are on the ring 16, and Mackles' lugs 28 are not as close to Mackles' outlet port as is the center of its applicator ball 14.

Additionally, claim 1, as amended, further defines over Mackles because claim 1, as amended, includes subject matter from claim 2, which has been indicated as containing allowable subject matter. In this regard, Applicants note that, as amended, claim 1 recites a combination of features, including wherein the resilient membrane is expanded and deformed in a direction away from the plug member by a fluid pressure applied from the intake port and the flow path from the intake port to the outlet port is formed. This positively recited feature is not disclosed by Mackles.

Accordingly, reconsideration and withdrawal of this rejection of claims 1, 3, 4, 10 and 11 are respectfully requested.

New Claim 25

Applicants have added claim 25, which recites features similar to those recited in claim 1 but which recites “apart from each other in a circumstantial direction substantially equal distances from the center of the ball-shaped plug member” language instead of the “substantially symmetrically located about a circumferential surface of the ball-shaped plug member” language of claim 1. Basis for this amendment is found in the application as originally filed including, for example, embodiments shown in Figs. 1-18.

Allowable Subject Matter

The Examiner states that claims 2, 5, 7, 12 and 24 would be allowable if rewritten in independent form.

Applicant thanks the Examiner for the early indication of allowable subject matter in this application.

Applicants have added subject matter from claim 2, which is believed to patentably define over the applied art, to claim 1.

Moreover, because claims 2-4 and 7 depend from claim 1, claims 2-4 and 7 are allowable over the applied art.

Additionally, because claim 10 contains the subject matter of claim 1, and claims 11-24 depend from claim 10, claims 10-24 are allowable over the applied art.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

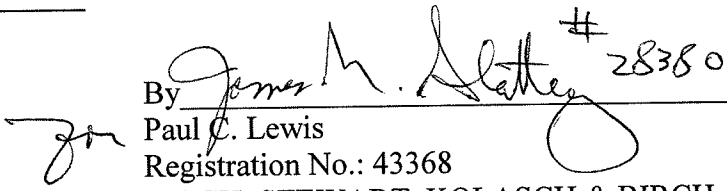
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert J. Webster, Registration No. 46472 at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: May 4, 2010

Respectfully submitted,

By


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